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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,836	10/15/2003	John H. Hoepfer	88914	8459

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GRAY, PLANT, MOOTY, MOOTY & BENNETT, P.A.
P.O. BOX 2906
MINNEAPOLIS, MN 55402-0906

EXAMINER

GUTMAN, HILARY L

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/686,836

Applicant(s)

HOEPER ET AL. 

Examiner

Hilary Gutman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,9 and 12-22 is/are rejected.
- 7) ☒ Claim(s) 3,6-8,10 and 11 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/24/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 24 (Figs 8 and 8B). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 76, 90A, 94, 92A, and 119. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be

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notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to because Figure 9A is supposed to represent a view taken along line A-A of Figure 9 (as described in the brief description of the drawings at page 6). However, this does not appear to be the case since the view along line A-A would be a rearward view and since the drawing Figure 9A appears to be a perspective view. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities: on page 9, line 15, “tongue 92” should be “tongue 32”. Appropriate correction is required.

Claim Objections

5. Claims 7, 12, and 20 are objected to because of the following informalities:

In claim 7, line 3, “the” or “said” should be inserted before “frame”.

In claim 12, on line 16, “said” should be inserted before “long”. On line 21, “said” should be inserted before “long bodied munitions”. On line 27, “a” should be inserted before “cradle structure”.

In claim 20, line 1, “claim 20” should apparently be “claim 19”.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 9, 12-18, and 21-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 recites the limitation “the main beam” in line 2. It is unclear whether this term is meant to be “the central beam” as recited in claim 1 or a new feature of the invention. There is insufficient antecedent basis for these limitations in the claim.

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Claim 12 recites the following limitations” “a deck portion” in line 22, “a next deck portion” in line 23, “the connected deck” in line 25. There is insufficient antecedent basis for these limitations in the claim.

Claim 21 recites the limitation “the forward, middle, and aft decks” in line 3. There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-2, 4-5, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by JP ‘238.

JP ‘238 discloses a munitions trailer (Figure 5) comprising: a main deck 3; a wheeled frame (not numbered, Figures 4-6) including a central beam inherently connected to the main deck; said main deck having a forward deck, a middle deck and an aft deck; said forward deck and middle deck separated by a forward deck opening 6 (Figure 3); said middle deck and aft deck separated by an aft deck opening 6; a forward door set 4, 4, (Figure 4) for closing the forward deck opening and movable between a closed position (solid lines of Figure 3) closing the forward deck opening and an open position (dashed lines of Figure 3) uncovering the forward deck opening; an aft door set 4, 4 for closing the aft deck opening and movable between a closed position closing the aft deck opening and an open position uncovering the aft deck opening.

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With regard to claim 2, the forward door set is flush with the main deck when in the closed position and including mounting structure 4b attached to the forward door set and exposed for use when the forward door set is in the open position for securing munitions supporting structure; said aft door set being flush with the deck when in the closed position, and including mounting structure 4b attached to the aft door set and exposed for use when the aft door set is in the open position for securing munitions supporting structure.

With regard to claim 4, the middle deck includes a forward middle deck section and a rear middle deck section spaced from the forward middle deck section by a middle deck opening; a middle door set 4, 4 for closing the middle deck opening and movable between a closed position closing the middle deck opening and an open position uncovering the middle deck opening.

With regard to claim 5, the forward door set is flush with the main deck when in the closed position and including mounting structure 4b attached to the forward door set and exposed for use when the forward door set is in the open position for securing munitions supporting structure; said aft door set is flush with the deck when in the closed position, and including mounting structure 4b attached to the aft door set and exposed for use when the aft door set is in the open position for securing munitions supporting structure; said middle door set is flush with the deck when in the closed position, and including mounting structure 4b attached to the middle door set and exposed for use when the middle door set is in the open position for securing munitions supporting structure.

For claim 19, JP '238 discloses a munitions trailer (Figure 5) comprising: a first flat deck; a second flat deck longitudinally spaced from the first deck by a first deck opening; a third flat

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deck longitudinally spaced from the second deck by a second deck opening; a trailer frame (not numbered but seen in Figures 4-6) inherently including a main beam (shown) having segments connecting the first deck to the second deck and the second deck to the third deck; a first door set having first and second doors 4, 4 connected between the first and second decks, one door pivotally connected to a trailing edge of the first deck, the other door pivotally connected (via hinge 7) to a leading edge of the second deck such that the doors are movable between a closed position covering the first deck opening, and an open position uncovering the first deck opening; a second door set having first and second doors connected between the second and third decks, one door pivotally connected to a trailing edge of the second deck, the other door being pivotally connected (via hinge 7) to a leading edge of the third deck such that the doors are movable between a closed position in covering relationship to the second deck opening, and an open position uncovering the second deck opening.

With regard to claim 20, a fourth flat deck is spaced from the third deck by a third deck opening; a main beam segment connecting the fourth deck to the third deck; a third door set having first and second doors connected between the third and fourth decks, one door pivotally connected to a trailing edge of the third deck, the other door being pivotally connected to a leading edge of the fourth deck such that the doors are movable between a closed position in covering relationship to the third deck opening, and an open position uncovering the second deck opening; said door sets being flush with the decks when in the closed position.

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Allowable Subject Matter

10. Claims 9, 12-18, and 21-22 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

11. Claims 3, 6-8, and 10-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 703-305-0496.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 703-308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

14. Any response to this action should be mailed to:

Assistant Commissioner for Patents

Washington, D.C. 20231


or faxed to:

(703) 872-9326, (for formal communications intended for entry)

or:

(703) 746-3515, (for informal or draft communications, please clearly label

“PROPOSED” or “DRAFT”).


Hilary Gutman
September 22, 2004